

DRAFT

MINUTES

**Town of Blowing Rock
Board of Commissioners
Meeting- August 11, 2009**

The Town of Blowing Rock Board of Commissioners held their regular meeting on Tuesday, August 11, 2009. The meeting took place in the Town Council Chambers at Town Hall at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Bobby Ball, Keith Tester, Phillip Pickett, Albert Yount and Tommy Klutz. Others in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Public Works Director Johnny Lentz, Police Chief Eric Brown, Parks & Recreation Director Jennifer Brown, Finance Director Nicole Norman and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 7:01 p.m. and welcomed everyone.

APPROVAL OF MINUTES

Commissioner Pickett made a motion to approve the minutes for meetings held on July 13th & 14th, 2009. Commissioner Tester requested the word “post” be added in the last paragraph of page one of the July 13th meeting to read “post acute care/skilled nursing facility”. With this change, the motion was seconded by Commissioner Yount. Unanimously approved.

PUBLIC HEARINGS

1. Noise Ordinance – Outside Dining –Code Amendment (#2009-08)

Planning Director Kevin Rothrock presented Council with a request from P.W. Glidewell of Glidewell’s restaurant for an amendment to the noise ordinance allowing outdoor service and consumption after 10:00 p.m. According to Mr. Rothrock, during the June Retail Strategy Committee meeting, Mr. Glidewell requested committee support regarding this issue. The group recommended that any change in outdoor dining hours be limited to the Central Business District only. They also recommended the request be forwarded to Council which was discussed in June, 2009. At that time, Council forwarded the request to the Planning Board for further debate.

Mr. Rothrock advised that staff also proposed any outdoor restaurant service changes be limited to the Central Business District. He advised the Planning Board had recommended extending outdoor restaurant service hours to 12:00 midnight in all zoning districts.

Commissioner Klutz inquired as to what year the noise ordinance had been reduced to 10:00 p.m. Mr. Rothrock stated he was unsure, but thought it was sometime in 1988. Commissioner Klutz voiced his concerns regarding restaurants located near neighborhoods and how the noise would affect residents.

Commissioner Pickett was in favor of the proposed change as long as the restaurant owners were held responsible for the noise with the exception of restaurants located near neighborhoods. Commissioner Klutz voiced that all restaurants should be treated equally.

Mr. Richard Goosman of 100 Sledding Hill Court pointed out before Boone had "liquor by the drink" there were problems as patrons were leaving the bar areas late at night making noise, but this was no longer a problem. He encourage Council to minimize restrictions regarding this issue. Mr. Goosman felt that outside dining should be allowed and was in favor of extending the time until 12:00 midnight.

Mr. P.W. Glidewell spoke regarding his request for the time extension. He stated that patrons were dining later and the 10:00 time limit was too early. He advised it caused significant friction from customers at his restaurant when he asked them to move from their patio table in order to abide by the noise ordinance. He also stated that residents who lived near his restaurant were customers of his and he had spoken with them regarding this request. Mr. Glidewell commented that his business had partnered with the Hayes Performing Art Center to offer theatre packages. A large number of people were dining late after leaving the Hayes Center. He also presented Council with a letter from the Hayes Performing Arts Center in support of this issue, as well as a letter from Mr. Jimmy Crippen of Crippen's Country Inn and Restaurant. Mr. Glidewell suggested a change to the ordinance pertaining to the cut-off time for restaurants to serve food.

Commissioner Klutz voiced his concern for the residents in the area and how the ordinance change would affect them. Mr. Glidewell conveyed that he had not received any noise complaints from neighbors since opening his restaurant.

Ms. Pat Fountain of 134 Kings Drive stated Sledgehammer Charlie's and Outback were located behind her home and she had not experienced a problem with noise from either place.

Ms. Rita Davis, President of the Blowing Rock Chamber of Commerce, stated the Chamber endorsed the change to the noise ordinance extending outside dining hours. Ms. Davis mentioned that the Hyett/Palma study had encouraged outdoor dining.

With no further comment, a motion was made by Commissioner Pickett to close the public hearing, seconded by Commissioner Ball. Unanimously approved.

Commissioner Yount asked Town Attorney Moseley if the Town could legally extend the time in all areas where restaurants were located. Mr. Moseley responded that it was within the Town's legal authority to do so.

Commissioner Klutz made a motion to accept Ordinance Amendment #2009-08 of the Noise Ordinance **Section 5-1.1** allowing all restaurants regardless of their zoning district to extend their hours from 10:00 p.m. until 12:00 midnight, seconded by Commissioner Pickett. Mr. Rothrock advised the wording “or consumption of” could be omitted from the draft ordinance if Council wished.

Commissioner Tester commented the Town did not have the same problems now as in 1988 because of the different clientele and the town had codes prohibiting this from happening. With the approval of Code Amendment #2009-08 the code would be more flexible. Commissioner Tester stated for the record, he wanted the audience to have a full understanding of the proposed change.

Commissioner Ball commented that she would like to limit alcohol from being served after 11:30 p.m. Commissioner Tester stated that Council should not over-regulate businesses.

The motion was unanimously approved 5-0. **Noise Ordinance Code Amendment #2009-08 – Exhibit A**

2. 3-Hour Parking – Code Amendment (#2009-09)

Planning Director Rothrock informed Council that the draft ordinance of Chapter 6 of the Town Code related to the extension of 2-hour parking on Sunset Drive, Main Street, and Pine Street was consistent with recommendations of the Hyett/Palma Downtown Retail Strategy, the Downtown Parking Management Study and the Planning Board.

In coordination with these efforts to extend parking times, the Police Department was purchasing a hand-held computer device for more accurate ticket enforcement.

Mr. Rothrock advised that currently Section 6A-16 of the Town Code allowed for 2-hour parking between the hours of 8:00 a.m. to 6:00 p.m. The proposed amendment would extend to 3-hour parking between 9:00 a.m. 5:00 p.m. every day except Sundays. Commissioner Tester questioned the logic of the time-frame stating that merchants could move their vehicles once during lunch but otherwise park all day. In order to accommodate the customer, he suggested the window of enforcement should be extended from 8:00 a.m. to 7:00 p.m. to maximize parking turnover.

Commissioner Klutz disagreed with extending the 2-hour parking to 3-hour parking. It was his opinion the flow of customers into businesses would be limited. Mr. Klutz stated the signage was for 2-hour parking and the Town had just begun enforcement.

Commissioner Pickett encouraged merchants to speak regarding this issue. Ms. Kathy Williamson, owner of Kilwin’s, informed Council that she would like to see the parking time extended to 3-hours because the 2-hour parking did not allow customers to have lunch and visit the shops in that short period. Ms. Williamson also advised that many

teachers and realtors were parking on Main Street for an extended period during the day and this needed to cease.

Mr. Richard Goosman also agreed that business owners and their employees should be prevented from parking on Main Street.

Ms. Karyn Herterich of 1930 Main Street voiced her support for 3-hour parking and was in favor of escalating fines for repeat parking offenders. Ms. Herterich stated that she would like to see documentation on how many parking tickets were written and actually paid.

Mr. Joe Kiker stated he had spoken with the parking enforcement officer recently and he was concerned with the collection of parking violation fees.

Town Manager Hildebran advised the parking enforcement officer was not involved with the collection of parking fines. He advised the Police Department had a parking violation collection process in place utilizing either small claims court or the NC Debt Collection Setoff Program, and in instances of small amounts, it was not feasible for the Town to go to small claims court to collect. He also stated there had been an increase in the amount of tickets written and paid recently.

Audience member Jim McDonald opposed the extension of parking to 3 hours. He believed 2-hour parking was sufficient especially if employees/business owners could be limited from parking on Main Street in order to free up parking for potential customers.

Ms. Rita Davis advised the Chamber supported the code amendment to 3 hours because 2 hours was not adequate time to have lunch and shop downtown.

Ms. Kathy Williamson stated in order to keep their employees from parking downtown during busy times, such as Art in the Park, etc., they had an arrangement with Food Lion regarding the use of their parking and shuttled their employees back and forth to work from the Food Lion lot. Mayor Lawrence commended Ms. Williamson for their efforts.

Ms. Herterich suggested renting the school's parking lot during the summer months for public parking. Mr. Hildebran responded the school already informally allowed parking in their lot during the summer months.

With no further comment, Commissioner Pickett made a motion to close the public hearing, seconded by Commissioner Ball. Unanimously approved.

A motion to extend parking on Main Street, Sunset Drive and Pine Street to 3 hours between 8:00 a.m. to 7:00 p.m. was made by Commissioner Tester, seconded by Commissioner Ball. Mr. Tester stated the merchants were being encouraged to remain open later at night and the change in time would benefit everyone. For: Tester, Ball,

Pickett & Yount. Against: Klutz. Motion carried 4-1. **3-Hour Parking Code Amendment #2009-09 – Exhibit B**

3. Central Business – Single-Family CUP (#2009-10)

Mr. Rothrock advised that in 2005 the Land Use Code was amended to require that single-family projects in the Central Business meet the design standards and materials for commercial buildings and require a conditional use permit. To date, only one single-family conditional use permit has been issued in Central Business District since the change was made to the Land Use Code. Mr. Rothrock stated although single-family projects would continue to meet the commercial design standards, staff recommended the Town require a zoning permit for an administrative approval process in lieu of a conditional use permit. This process would be quicker and less expensive for the applicant, but would still maintain the intent of the code change in 2005 requiring the commercial materials and design standards be applied to all buildings in the CB District.

During their July 16, 2009 meeting, the Planning Board supported the draft ordinance as submitted.

Commissioner Tester questioned the need for this change since there had been only one single-family CUP issued since 2005. Mr. Rothrock stated he anticipated an upcoming request. Mr. Tester asked how many single-family dwellings were in the CB District presently. Planning Board Member Jim Steele responded there were 32 single-family dwellings.

Commissioner Tester also inquired if a single-family dwelling was allowed, could it be used for commercial purposes in the future. Mr. Rothrock advised without a Conditional Use Permit it could not be used commercially.

After further discussion, a motion was made to close the public hearing by Commissioner Ball, seconded by Commissioner Klutz. Unanimously approved.

Commissioner Pickett made a motion to approve Ordinance #2009-10 as written, seconded by Commissioner Klutz. Unanimously approved. **Central Business- Single-Family CUP - Ordinance #2009-10 – Exhibit C**

NEW BUSINESS

1. Chamber of Commerce – Fresh Market

Ms. Rita Davis, President of the Blowing Rock Chamber of Commerce presented information to Council regarding a permanent location for the weekly Fresh Market. Ms. Davis also presented diagrams depicting different layouts for the Park Avenue/Wallingford Street vicinity.

Ms. Davis stated for the past four weeks, the Fresh Market had been located in the Wachovia Bank parking lot on Thursdays from 4:00 p.m. until 7:00 p.m. She stated there were approximately 20-25 vendors from Watauga, Ashe, Avery, Wilkes, and

Caldwell Counties selling fruits, vegetables, meats, etc. and the market had proven to be a success.

Ms. Davis commended Mr. Dan Phillips and Ms. Dell Slack who were both instrumental in making this event a great success.

Mr. Charles Hardin, Executive Director of the Chamber of Commerce also spoke regarding this issue. He mentioned a location was needed for potential expansion of the number of vendors in the downtown area. He stated the Chamber had looked at several locations and the Park Avenue/Wallingford Street site was the most logical.

He proposed the hours for the Fresh Market be changed to 3:00 p.m. through 6:00 p.m. at the new location. He also stated that a \$10.00 fee per vendor was charged which paid for the band and insurance coverage. Mr. Hardin advised the Chamber had spoken with the representatives from the Watauga County Farmer's Market in order to learn from them and explore a future partnership.

Commissioner Tester asked if the Chamber would continue to manage the market because he would not be in favor of anyone other than the Chamber leasing public property from the town. Mr. Hardin assured Mr. Tester the Chamber would continue to manage the market.

Mr. Tester also asked if Town Staff had been approached regarding the proposed location. Mr. Hardin stated they had spoken with Parks & Recreation Director Jennifer Brown and she had voiced her concern with the Park Avenue location and being able to access equipment stored in the old fire department building.

Commissioner Pickett asked if anyone had spoken with the residents in the area regarding this plan. Mr. Hardin stated the business that once was on Park Avenue was now located elsewhere, and Ms. Ruth Townsend had previously shared ingress and egress concerns. Mr. Pickett advised that he had spoken with Ms. Townsend and she was not in favor of the Fresh Market being on Park Avenue.

Commissioner Klutz stated the residents on Park Avenue had endured Art in the Park and he did not feel they should have to endure the Fresh Market. Commissioner Pickett suggested the Maple Street Parking Lot as another location. Ms. Davis stated more parking would be lost if this site was used and the lot would have to be closed all day on Thursdays in order for the market to be held there.

After further discussion, Commissioner Tester asked about the agreement terms. Mr. Hardin stated the Chamber would like to have an agreement with the Town for the remainder of this season (thru October) and part of next year if possible.

Commissioner Tester made a motion for the Chamber of Commerce and town staff to work out a suitable agreement to move the Fresh Market to the Wallingford Street location. It was the consensus of Council that the agreement did not have to come back

before them for approval. The motion was seconded by Commissioner Pickett. Unanimously approved.

Mayor Lawrence called for a short recess at 9:00 p.m.

The meeting was reconvened at 9:05 p.m.

2. Downtown Streetscape (Phase I) – Bids

Town Manager Hildebran advised the Town had received the following bids for the Downtown Streetscape (Phase I) on August 3, 2008:

	<u>Base Bid</u>	<u>Alternate 1</u>
Enterline & Russell Builders, Inc.	\$161,640.85	\$8,840.00
Wilkie Construction Co, Inc.	\$127,626.00	\$5,100.00
Young & McQueen Grading	\$137,494.00	\$3,750.00

Mr. Hildebran stated the project generally consists of the construction of new sidewalks (as warranted), curb & gutter, paving, concrete pavers, utilities, landscaping and related appurtenances located on the West Side of Main Street/US 321-A Business in Downtown Blowing Rock.

Mr. Hildebran presented Council with a breakdown of the bids and a recommendation from McGill Associates to award the low bid to Wilkie Construction Co., Inc. for \$127,626.00 (excluding Alternate 1).

Mr. Hildebran also explained the project had received final approval from NCDOT.

Mr. Hildebran noted that First Citizens Bank had agreed to make streetscape upgrades in front of their newly renovated building on Main Street with an estimated value of \$20,000. The Town would reimburse FCB for additional streetscape upgrades located adjacent to their property down to the corner of Maple Street. The reimbursement contract amount was \$17,266.

Town Engineer Doug Chapman gave further explanation of Phase I of the Downtown Streetscape Plan. He mentioned slight changes to the plan made by NCDOT. Mayor Lawrence inquired if Mr. Chapman felt confident with Wilkie Construction Co., Inc. Mr. Chapman responded they had been in business for a long time and did good work.

Commissioner Klutz voiced concerns he had with the planned bulb-outs. He asked if NCDOT had required them. Mr. Chapman stated they were only required by NCDOT at the planned crosswalks. Commissioner Klutz felt they would be an obstruction and any plantings in those areas would die due to salt in the wintertime. Commissioner Ball advised the streetscape concept had been endorsed during a public hearing in January.

Town Manager Hildebran advised that Phase I would commence after Labor Day. Mr. Chapman also stated that most of the work would be done before 10:00 a.m. and after 5:00 p.m.

Commissioner Tester made a motion to award the bid for Phase I of the Downtown Streetscape to low bidder, Wilkie Construction Co. Inc. for an amount of \$127,626 (excluding Alternate 1), and create a project budget of \$187,700 as outlined by the Town Manager, seconded by Commissioner Pickett. Unanimously approved.
Downtown Streetscape – Bids – Exhibit D

SPEAKERS FROM THE FLOOR

Ms. Sylvia Kiker of Morris Street stated she had studied the Downtown Streetscape Plan extensively and would like to share her concerns with Council. First, Ms. Kiker was unclear of the procedure to approve the Downtown Streetscape Plan. It was her understanding that it had been approved in concept only. Mayor Lawrence advised several public hearings had been held and in January the Downtown Streetscape Plan had received final approval.

Ms. Kiker stated she had also spoken with Town Manager Hildebran regarding her concerns with the planned bulb-outs. She advised this was one of the most common design concepts in town/city planning used to calm traffic and provide for pedestrian safety and in some instances the concept was effective. In smaller towns such as Blowing Rock, the lack of space was a problem and adding bulb-outs caused congestion problems, lack of open space, and traffic build-up which creates a negative effect on pedestrian safety.

Ms. Kiker also voiced her concern with the plantings that would be added with the Streetscape Plan and the lack of available water if we experienced drought conditions as in the past. She felt it would be very expensive to have to replant these areas each year due to salt damage.

Ms. Kiker mentioned the need to protect the downtown open spaces and stated the bulb-outs would impede pedestrian and vehicular traffic during parades and other events as well as emergency vehicle traffic, etc.

In conclusion, Ms. Kiker stated she had previously worked as a designer and it was her opinion that simplicity was very important and she did not want the freshness and beauty of Blowing Rock to be lost.

Commissioner Klutz agreed with Ms. Kiker's comments and said when he voted for the project he thought it could be "tweaked" later. He agreed that Main Street needed upgrading, but it would be a waste of funds to plant a lot of trees, etc. because in the wintertime the salt would damage them as well as cause erosion to the bulb-outs.

Mayor Lawrence thanked Ms. Kiker for her comments and called upon the next speaker from the floor, Ms. Karyn Herterich.

Ms. Herterich agreed with Ms. Kiker's comments and that Ms. Kiker had made some very valid points. Ms. Herterich advised she could not elaborate further on the presentation but felt the proposed bulb-outs would impede pedestrian traffic because the streets were not wide enough to accommodate them.

Ms. Herterich also stated she did not recall a public hearing on the matter and felt this issue warranted further public discussion.

DEPARTMENTAL REPORTS

Town Manager Hildebran reminded everyone that Saturday, August 15th would be the last day that Robbins Pool would be open and that construction on the new pool would begin shortly thereafter.

He also mentioned future paving plans for Ransom Street, Clawson Street, South White Pine, and a section of Green Hill Road.

Mr. Hildebran further reminded everyone of the time change for next month's regular meeting from Tuesday, September 8th to **Tuesday, September 1st at 7:00 p.m.**

Commissioner Yount asked Town Attorney Moseley if the Town had followed proper procedure during the approval the Downtown Streetscape Plan. Mr. Moseley responded that the Town had acted appropriately on the issue. He stated that the Town held a public hearing on the proposed streetscape plan even it was not legally required.

Mr. Hildebran mentioned notice of the public hearing had been in the town newspaper, on the town website, and streetscape information and notice of a public hearing was also provided in the town newsletter.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 9:52 p.m.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (08-11-09)

Outdoor Dining – Code Amendment #2009-08 – Exhibit A
3-Hour Parking – Code Amendment #2009-09 – Exhibit B
Central Business- Single-Family CUP #200910 – Exhibit C
Downtown Streetscape (Phase I) Bids – Exhibit D